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**MINUTES  
REGULAR BOARD MEETING  
THURSDAY, SEPTEMBER 17, 2009, 10:00 AM.**

Board Members Present at Roll Call: Les Abrams (telephonically), James Heaslet, Cynthia Henry, Michael Marquess, Debbie Rudd. A quorum was present. Board Member Present after Roll Call: Myra Jefferson. Vacant Board Member Positions: Certified General Appraiser; Public (2).

Also Present at Roll Call: Debb Pearson, Executive Director; Rebecca Loar, Regulatory Compliance Administrator; Amanda Benally, Temporary Regulatory Compliance Administrator; Jeanne Galvin, Assistant Attorney General. Also Present after Roll Call: Christopher Munns, Assistant Attorney General, Solicitor's General Office.

Debbie Rudd acted as Chairperson.

The Board pledged allegiance to the flag of the United States of America.

**APPROVAL OF MINUTES**

Michael Marquess moved that the Minutes of the August 20, 2009, Regular Board Meeting be approved, as amended. Cynthia Henry seconded the motion. The Board voted unanimously in favor of the motion. Les Abrams abstained.

**PUBLIC ANNOUNCEMENTS AND CALL TO PUBLIC**

None.

**COMPLAINT REVIEW**

Review and Action Concerning 2852, Pamela M. Harris.

Respondent appeared and was represented by Chad Kaffer, Esq. Staff summary was read. Debbie Rudd moved that the Board find Level II violations and offer Respondent a nondisciplinary letter of remedial action citing violations and providing for remedial education. James Heaslet seconded the motion. The Board voted unanimously in favor of the motion.

Review and Action Concerning 2758, Ronald W. Prychondnik.

Respondent appeared. Michael Marquess moved that the Board accept the investigative report. James Heaslet seconded the motion. The Board voted unanimously in favor of the motion. Debbie Rudd moved that the Board invite Respondent to an informal hearing. James Heaslet seconded the motion. The Board voted unanimously in favor of the motion.

Myra Jefferson joined the meeting.

Review and Action Concerning 2925, Ryan P. Graffius.

Respondent appeared. Staff summary was read. Michael Marquess moved that the Board find Level II violations and offer Respondent a due diligence consent letter citing violations and providing for disciplinary education. James Heaslet seconded the motion. The Board voted unanimously in favor of the motion. Myra Jefferson abstained.

## **APPRAISAL TESTING AND EDUCATION COMMITTEE REPORT**

James Heaslet, Michael Marquess and Debra Rudd recused themselves concerning the following course approvals submitted by Arizona Appraisers State Conference LLC:

- I—Arizona Appraisers State Conference 10/19/09 P.M. Tracts A&B (Sage/Liability) 4 hours
- II—Arizona Appraisers State Conference 10/19/09 P.M. Tract C (Sage/Valuation) 4 hours
- III—Arizona Appraisers State Conference 10/20/09 A.M. Tract C (Future/Valuation) 4 hours
- IV—Arizona Appraisers State Conference 10/20/09 A.M./P.M. Tracts A&B (Future/Mortgage) 4 hours
- V—Arizona Appraisers State Conference 10/20/09 P.M. Tracts A,B&C (Mortgage) 3 hours

As a result of a quorum never being available to consider the matter due to the above-referenced recusals, the courses were considered pursuant to the Rule of Necessity. Les Abrams moved that the Board approve the courses. Myra Jefferson seconded the motion. Les Abrams, Cynthia Henry and Myra Jefferson voted unanimously in favor of the motion.

Les Abrams left the meeting. A quorum remained.

## **COMPLAINT REVIEW**

### Informal Hearing Concerning 2847, Jay K. Wolfson.

Respondent did not appear. Michael Marquess moved that the complaint be referred to investigation. Cynthia Henry seconded the motion. The Board voted unanimously in favor of the motion.

### Review and Action Concerning 2779, Robert C. Oglesby/2780, Mark A. D'Hondt.

Respondents appeared. Michael Marquess moved that the Board accept the investigative report. James Heaslet seconded the motion. The Board voted unanimously in favor of the motion. Michael Marquess moved that the Board find Level I violations and offer each Respondent a nondisciplinary letter of concern citing the violations. James Heaslet seconded the motion. The Board voted unanimously in favor of the motion.

### Review and Action Concerning 2884, Brian A. Friedman.

Respondent appeared. Staff summary was read. Debbie Rudd moved that the Board find Level II violations and offer Respondent a due diligence consent letter citing violations and providing for disciplinary education. Michael Marquess seconded the motion. The Board voted unanimously in favor of the motion.

### Review and Action Concerning 2880, Theodore J. Brennan.

Respondent appeared. Staff summary was read. Debbie Rudd moved that the Board find no violations and the complaint be dismissed. Myra Jefferson seconded the motion. The Board voted unanimously in favor of the motion.

Informal Hearing Concerning 2856, Thomas A. Raynak.

Respondent and Diane Yule, Trainee, appeared, were sworn in, made statements to the Board and answered the Board's questions. Michael Marquess moved that the Board find no violations and the complaint be dismissed. Myra Jefferson seconded the motion. The Board voted unanimously in favor of the motion. Michael Marquess moved that Diane Yule be given credit for experience beginning March 23, 2009. James Heaslet seconded the motion. The Board voted unanimously in favor of the motion.

Review and Action Concerning 2903, Patrick J. Sichmeller.

Respondent appeared. Staff summary was read. Debbie Rudd moved that the Board find no violations and the complaint be dismissed. James Heaslet seconded the motion. The Board voted unanimously in favor of the motion.

Review and Action Concerning 2891, Casey M. O'Brien.

Respondent appeared. Staff summary was read. James Heaslet moved that the Board find no violations and the complaint be dismissed. Michael Marquess seconded the motion. The Board voted unanimously in favor of the motion.

Review and Action Concerning 2788, Lisa L. Romero.

Respondent appeared. Michael Marquess moved that the Board accept the investigative report. Myra Jefferson seconded the motion. The Board voted unanimously in favor of the motion. Michael Marquess moved that the Board invite Respondent to an informal hearing. Myra Jefferson seconded the motion. The Board voted unanimously in favor of the motion.

Review and Action Concerning 2768, Wade A. Lavigne.

Respondent appeared. Debbie Rudd moved that the investigative report be returned to the investigator for clarification. James Heaslet seconded the motion. The Board voted unanimously in favor of the motion. Debbie Rudd moved that the Board invite Respondent to an informal hearing. Myra Jefferson seconded the motion. The Board voted unanimously in favor of the motion.

Review and Action Concerning 2901, Ken J. Rhoads.

Respondent appeared. Staff summary was read. Staff was instructed to open two additional complaints, 2961 and 2962 because the original complaint involved three appraisals of different properties. Michael Marquess seconded the motion. The Board voted unanimously in favor of the motion. James Heaslet moved that the complaints be referred to investigation. Michael Marquess seconded the motion. The Board voted unanimously in favor of the motion.

Review and Action Concerning 2921, Richard P. Fasano.

Respondent appeared. Staff summary was read. Michael Marquess moved that the Board find no violations and the complaint be dismissed. James Heaslet seconded the motion. The Board voted unanimously in favor of the motion.

Les Abrams rejoined the meeting telephonically.

Informal Hearing Concerning 2648, Julie D. Friess.

Michael Marquess recused himself. Respondent and her witness, William A. Barnes, Certified General Appraiser # 30969, appeared, were sworn in, made statements to the Board and answered the Board's questions. Debbie Rudd moved that the Board go into Executive Session for legal advice. Myra Jefferson seconded the motion. The Board voted unanimously in favor of the motion. Upon return from Executive Session, Debbie Rudd moved that the Board find no violations and the complaint be dismissed. James Heaslet seconded the motion. The Board voted unanimously in favor of the motion upon the following roll call vote: Les Abrams—yes; James Heaslet—yes; Cynthia Henry—yes; Myra Jefferson—yes; Debbie Rudd—yes. The Board noted the 12-month file review.

Les Abrams left the meeting. A quorum remained.

Review and Action Concerning 2669/2679, Jason M. Maze.

Respondent appeared. Michael Marquess moved that the Board terminate the mentorship and probation under the 2/9/09 Consent Agreement and Order. Myra Jefferson seconded the motion. The Board voted unanimously in favor of the motion.

The Board presented Gabriel B. Corral, former Board member, with a plaque in recognition of his six-plus years of service to the Board and the State of Arizona.

Christopher Munns, Assistant Attorney General, Solicitor's General Office, joined the meeting.

Formal Hearing Concerning 2833, Dawna G. Khourdepaz.

Respondent did not appear. Jeanne Galvin, Assistant Attorney General, represented the State. Christopher Munns, Assistant Attorney General, Solicitor General's Office, advised the Board. The Board heard oral testimony on behalf of the State. State's Exhibits 1-10 were admitted into evidence. Cynthia Henry moved that the Board adopt Findings of Fact 1-3 to read as follows:

**FINDINGS OF FACT**

1. On January 28, 2009, in resolution of Case No. 2444, Respondent voluntarily entered into a Consent Agreement and Order with the Board. Among other conditions, Respondent was required to submit to the Board the name and resume of an Arizona Certified Residential or Arizona Certified General Appraiser, willing to serve as Respondent's Mentor together with a letter from the potential Mentor agreeing to so serve. Additionally, Respondent was required to provide monthly logs indicating appraisals completed by Respondent, even if she completed no appraisals. To date, Respondent has failed to complete any of the above stated requirements.
2. The Consent Agreement and Order provides, in part, that "Respondent agrees that any violation of the Consent Agreement is a violation of A.R.S. § 32-3631(A)(8), which is willfully disregarding or violating any of the provisions of the Board's Statutes or the rules of the Board for the administration and enforcement of its statutes".
3. Respondent, without good cause, has failed to comply with the terms of the Consent Agreement and Order by failing to complete the aforementioned requirements.

James Heaslet seconded the motion. The Board voted unanimously in favor of the motion. Myra Jefferson moved that the

Board adopt Conclusions of Law 4-5 to read as follows:

**CONCLUSIONS OF LAW**

4. Noncompliance with the Consent Agreement is a violation of a Board order and a violation of A.R.S. § 32-3631(A)(8), which is a willful disregard of the statutes and rules governing the licensing and certification of appraisers in the State of Arizona.
5. Pursuant to the authority of the Board found at A.R.S. § 32-3601 *et seq.*, the conduct and circumstances described herein constitute grounds for discipline.

Michael Marquess seconded the motion. The Board voted unanimously in favor of the motion. Michael Marquess moved that the Board adopt an Order of Revocation to read as follows:

**ORDER OF REVOCATION**

In issuing this order of discipline, the Board considers its obligations to fairly and consistently administer discipline, its burden to protect the public welfare and safety, as well as all aggravating and mitigating factors presented in the case. Based on the foregoing Findings of Fact and Conclusions of Law, **IT IS HEREBY ORDERED:**

1. That licensed residential appraiser license No. 11124 issued to Respondent to practice as a Licensed Real Estate Appraiser be revoked as of the effective date of this Order.
2. That Respondent shall immediately surrender her license by returning it to the Board office.
3. That Respondent may not accept fees for or perform appraisals, appraisal reviews, consulting assignments, or any services governed by the Uniform Standards of Professional Appraisal Practice, A.R.S. § 32-3601, *et seq.*, or the rules promulgated thereunder.
4. That Respondent is hereafter subject to the provisions of A.R.S. § 32-3638, which states that any person who is not licensed or certified as an appraiser and performs a real estate appraisal or appraisal review, or uses the designation of licensed or certified appraiser and/or provides false information to the Board is guilty of a Class 1 misdemeanor.
5. That if Respondent reapplies for licensing or certification as an appraiser in the State of Arizona in the future, this disciplinary action may be considered as part of the substantive review of any application submitted by Respondent, pursuant to A.R.S. § 32-3611(D).
6. Pursuant to the Board's Substantive Policy Statement #1, the Board considers the violations set forth herein to amount to Level V Violations for disciplinary purposes.

**RIGHT TO PETITION FOR REHEARING OR REVIEW**

Respondent is hereby notified that she has the right to petition for a rehearing or review. Pursuant to A.R.S. § 41-1092.09, as amended, the petition for rehearing or review must be filed with the Board's Executive Director within 30 days after service of this Order and pursuant to A.A.C. R4-46-303, it must set forth legally sufficient reasons for granting a rehearing or review. Service of this order is effective five days after mailing. If a motion for rehearing or review is not filed, the Board's Order becomes effective 35 days after it is mailed to Respondent.

Respondent is further notified that the filing of a motion for rehearing or review is required to preserve any rights of appeal to the Superior Court.

James Heaslet seconded the motion. The Board voted unanimously in favor of the motion upon the following roll call vote: James Heaslet—yes; Cynthia Henry—yes; Myra Jefferson—yes; Michael Marquess—yes; Debbie Rudd—yes.

Issues Dealing With Formal Hearing Concerning 2439/2520/2523, William A. Buehl.

Respondent did not appear. Jeanne Galvin, Assistant Attorney General, represented the State and Christopher Munns, Assistant Attorney General, Solicitor's General Office, represented the State. Debbie Rudd moved that the Board find Level V violations and accept the proposed Consent Agreement and Order for Voluntary Surrender and that the Board rescind its referral to formal hearing before the Office of Administrative Hearings (OAH). Michael Marquess seconded the motion. The Board voted unanimously in favor of the motion. The Board noted the 12-month file review.

Issues Dealing With Formal Hearing Concerning 2542/2543/2544/2632/2750, Rodney L. Martensen.

Respondent did not appear. Jeanne Galvin, Assistant Attorney General, represented the State and Christopher Munns, Assistant Attorney General, Solicitor's General Office, represented the State. James Heaslet moved that the Board reject Respondent's settlement offer and proceed to formal hearing before the Office of Administrative Hearings (OAH). Myra Jefferson seconded the motion. The Board voted unanimously in favor of the motion. The Board noted the 12-month file review.

Christopher Munns, Assistant Attorney General, Solicitor's General Office, left the meeting.

Review and Action Concerning 2922, Gary D. Ferguson.

Respondent did not appear. Staff summary was read. Michael Marquess moved that the Board find Level II violations and offer Respondent a due diligence consent letter citing the violations and providing for disciplinary education. James Heaslet seconded the motion. The Board voted unanimously in favor of the motion.

Review and Action Concerning 2755, Shari L. Brownlee.

Respondent did not appear. Michael Marquess moved that the Board accept the investigative report. James Heaslet seconded the motion. The Board voted unanimously in favor of the motion. Debbie Rudd moved that the Board find no violations and the complaint be dismissed. James Heaslet seconded the motion. The Board voted unanimously in favor of the motion.

**OLD BUSINESS**

Discussion and Action Concerning Legal Guidance for the Opening and Nonopening of Complaints to Comply with Board Statutes and Rules (Tabled from 5/09)

Jeanne Galvin, Assistant Attorney General, explained the Board's rules concerning the opening of complaints and the investigative process.

Discussion and Action Concerning Board Audit of Requested Appraisal Performed by Andrew E. Ament

Michael Marquess moved that the Board open complaint 2968 against Andrew E. Ament, Certified Residential Appraiser #21472, alleging potential mortgage fraud. Cynthia Henry seconded the motion. The Board voted unanimously in favor of the motion.

Michael Marquess moved that, in the future, staff open complaints alleging potential mortgage fraud based on appraisal information received in conjunction with the Arizona Mortgage Fraud Task Force. James Heaslet seconded the motion. The Board voted unanimously in favor of the motion.

## **COMPLAINT REVIEW**

### Review and Action Concerning 2759, Andrew E. Ament.

Respondent did not appear. Myra Jefferson moved that the Board accept the investigative report. James Heaslet seconded the motion. The Board voted unanimously in favor of the motion. Michael Marquess moved that the Board invite Respondent to an informal hearing. Myra Jefferson seconded the motion. The Board voted unanimously in favor of the motion.

### Review and Action Concerning 2769, Jeremy M. Reising.

Respondent did not appear. Cynthia Henry moved that the Board accept the investigative report with exceptions. James Heaslet seconded the motion. The Board voted unanimously in favor of the motion. Debbie Rudd moved that the Board find Level II violations and offer Respondent a nondisciplinary letter of remedial action citing violations and providing for remedial education. Michael Marquess seconded the motion. The Board voted unanimously in favor of the motion.

Debbie Rudd moved that the Board discontinue its assignment of investigations to Jay B. Clark. Cynthia Henry seconded the motion. The Board voted unanimously in favor of the motion.

### Review and Action Concerning 2786, Christopher Chase.

Respondent did not appear. Michael Marquess moved that the Board accept the investigative report. Myra Jefferson seconded the motion. The Board voted unanimously in favor of the motion. Debbie Rudd moved that the Board find no violations and the complaint be dismissed. Michael Marquess seconded the motion. The Board voted unanimously in favor of the motion.

### Review and Action Concerning 2793, Edward J. Stanton.

Respondent did not appear. Michael Marquess moved that the Board accept the investigative report. Myra Jefferson seconded the motion. The Board voted unanimously in favor of the motion. Michael Marquess moved that the Board find Level II violations and offer Respondent a nondisciplinary letter of remedial action citing violations and providing for remedial education. The motion was withdrawn. Michael Marquess moved that the Board reconsider its prior motion and that the investigative report be remanded back to the investigator for clarification. James Heaslet seconded the motion. The Board voted unanimously in favor of the motion.

### Review and Action Concerning 2800, Vicky J. Love.

Respondent did not appear. James Heaslet moved that the Board accept the investigative report. Myra Jefferson seconded the motion. The Board voted unanimously in favor of the motion. James Heaslet moved that the Board find Level II violations and offer Respondent a due diligence consent letter citing the violations and providing for disciplinary education. Michael Marquess seconded the motion. The Board voted unanimously in favor of the motion.

Review and Action Concerning 2806/2807, Eric S. Gow.

Respondent did not appear. Michael Marquess moved that the Board accept the investigative report concerning 2806. Myra Jefferson seconded the motion. The Board voted unanimously in favor of the motion. Staff was directed to return the investigative report concerning 2807 to the investigator for clarification.

Review and Action Concerning 2554, Angus Hopkins III.

Respondent did not appear. Debbie Rudd moved that the complaint be closed based on notification that Respondent had passed away. Michael Marquess seconded the motion. The Board voted unanimously in favor of the motion.

Review and Action Concerning 2667, Chad R. Talbert.

Respondent did not appear. Michael Marquess moved that because Respondent's 90-day grace period to renew had expired, the complaint be closed to be reopened and considered in the event Respondent reapplies. James Heaslet seconded the motion. The Board voted unanimously in favor of the motion. The Board noted the 12-month file review.

Review and Action Concerning 2735, Calista J. Fiedler.

Respondent did not appear. Michael Marquess moved that the Board approve Philip W. Edwards, Certified Residential Appraiser #20917, to act as Respondent's mentor under the 7/22/09 Consent Agreement and Order. James Heaslet seconded the motion. The Board voted unanimously in favor of the motion.

Review and Action Concerning 2777, Edward A. Measel.

Respondent did not appear. Michael Marquess moved that the Board approve Douglas Mitchell, Certified General Appraiser #31593, to act as Respondent's mentor under the 7/31/09 Consent Agreement and Order. Myra Jefferson seconded the motion. The Board voted unanimously in favor of the motion.

Review and Action Concerning 2813, Timothy R. Fortunato.

Respondent did not appear. Michael Marquess moved that the Board accept the 8/2/09 due diligence consent letter which was submitted to the Board late. James Heaslet seconded the motion. The Board voted unanimously in favor of the motion.

Review and Action Concerning 2836, Jay A. Josepfs/2837, Anthony A. Cardinal.

Respondents did not appear. Michael Marquess moved that the Respondents be invited to an informal hearing. James Heaslet seconded the motion. The Board voted unanimously in favor of the motion.

Review and Action Concerning 2839, Ronald E. Cole.

Respondent did not appear. Michael Marquess moved that the Board reject Respondent's counteroffer. James Heaslet seconded the motion. The Board voted unanimously in favor of the motion. Michael Marquess moved that Respondent be given an additional ten days to sign the originally proposed Consent Agreement and Order; otherwise, the matter be referred for formal hearing before the Office of Administrative Hearings (OAH). Cynthia Henry seconded the motion. The Board voted unanimously in favor of the motion.

Review and Action Concerning Superior Court Case CV-06-4140 (03F-1782-BOA/03F-1784-BOA)/2492, Felicia M. Coplan.

Respondent did not appear. Jeanne Galvin updated the Board concerning the court proceedings concerning CV-06-4140 (03F-1782-BOA/03F-1784-BOA). The Board noted the 12-month file review concerning 2492.

Review and Action Concerning Superior Court Case LC2009-000574-001DT (2797/2798/2799), Jan A. Sell/Michael S. Miller.

Respondents did not appear. Jeanne Galvin updated the Board concerning the court proceedings.

**BOARD CHAIRPERSON REPORT**

None.

**APPLICATION REVIEW COMMITTEE REPORT**

Debbie Rudd reported the following Arizona appraiser and property tax agent information as of September 14, 2009:

	<u>8/07</u>		<u>8/08</u>		<u>8/09</u>
Licensed Residential	1136		939		712
Certified Residential	1040		1186		1211
Certified General	791		813		827
Nonresident Temporary	31	Total 2998	38	Total 2976	45 Total 2795
Property Tax Agents	262		287		334

James Heaslet moved that the Board accept the Committee's recommendations (see attachment). Myra Jefferson seconded the motion. The Board voted unanimously in favor of the motion.

**APPRAISAL TESTING AND EDUCATION COMMITTEE REPORT**

Myra Jefferson moved that the Board accept the Committee's recommendations (see attached). James Heaslet seconded the motion. The Board voted unanimously in favor of the motion.

**PERSONNEL COMMITTEE REPORT**

Debbie Rudd moved that the Board accept the Committee's recommendations (see attached). Michael Marquess seconded the motion. The Board voted unanimously in favor of the motion.

## **COMPLAINT REVIEW**

### Review and Action Concerning 2854/2910, Tune P. Redmond.

Respondent did not appear. Staff summaries were read. Debbie Rudd moved that Respondent be invited to an informal hearing. James Heaslet seconded the motion. The Board voted unanimously in favor of the motion.

### Review and Action Concerning 2860/2861, Greg J. Ignaszewski.

Respondent did not appear. Staff summaries were read. Debbie Rudd moved that Respondent be invited to an informal hearing. James Heaslet seconded the motion. The Board voted unanimously in favor of the motion.

### Review and Action Concerning 2879, Sylvester G. Whitman.

Respondent did not appear. Staff summary was read. James Heaslet moved that the Board find no violations and the complaint be dismissed. Cynthia Henry seconded the motion. The Board voted unanimously in favor of the motion.

### Review and Action Concerning 2883, Paul J. Dickinson.

Respondent did not appear. Staff summary was read. Debbie Rudd moved that the Board find Level II violations and offer Respondent a due diligence consent letter citing violations and providing for disciplinary education. Myra Jefferson seconded the motion. The Board voted unanimously in favor of the motion.

### Review and Action Concerning 2885, Michael P. Thompson/2886, Jason R. Axtell.

Respondents did not appear. Staff summaries were read. Debbie Rudd moved that the complaints be referred to investigation. James Heaslet seconded the motion. The Board voted unanimously in favor of the motion.

### Review and Action Concerning 2893, Bruce A. Lopez.

Respondent did not appear. Staff summary was read. Debbie Rudd moved that the Board invite Respondent to an informal hearing. James Heaslet seconded the motion. The Board voted unanimously in favor of the motion.

### Review and Action Concerning 2894, Rodney L. Martensen.

Respondent did not appear. Staff summary was read. Debbie Rudd moved that the Board table the matter until receipt of the Administrative Law Judge Recommended Decision in 2542/2543/2544/2632/2750. James Heaslet seconded the motion. The Board voted unanimously in favor of the motion.

### Review and Action Concerning 2896, Jorge Aguilar.

Respondent did not appear. Staff summary was read. James Heaslet moved that the complaint be referred to investigation. Michael Marquess seconded the motion. The Board voted unanimously in favor of the motion.

Review and Action Concerning 2898, Fred J. Donaldson/2899, Jason A. Lusk.

Respondents did not appear. Staff summaries were read. James Heaslet moved that the Board invite Respondents to an informal hearing. The motion failed for the lack of a second. James Heaslet moved that the Board find Level I violations and offer each Respondent a nondisciplinary letter of concern citing the violations. The motion failed for the lack of a second. Debbie Rudd moved that the Board find no violations and the complaints be dismissed. Cynthia Henry seconded the motion. The Board voted unanimously in favor of the motion.

Review and Action Concerning 2902, Ardeth L. Fair.

Respondent did not appear. Staff summary was read. Michael Marquess moved that the complaint be referred to investigation. Myra Jefferson seconded the motion. The Board voted unanimously in favor of the motion.

Review and Action Concerning 2908, Kenneth J. Lemoine/2909 Michael Jeklinski.

Respondents did not appear. Staff summaries were read. Michael Marquess moved that the complaints be referred to investigation. Cynthia Henry seconded the motion. The Board voted unanimously in favor of the motion.

Review and Action Concerning 2915, Chad D. Behn.

Respondent did not appear. Staff summary was read. Michael Marquess moved that the Board find no violations and the complaint be dismissed. Cynthia Henry seconded the motion. The Board voted unanimously in favor of the motion.

**OLD BUSINESS**

Discussion and Action Concerning Board Audit of Requested Appraisals Performed by Razvan P. Silvas.

Myra Jefferson moved that the Board open complaints 2964, 2965, 2966 and 2967 against Razvan P. Silvas, Certified Residential Appraiser # 21544, alleging potential mortgage fraud. Michael Marquess seconded the motion. The Board voted unanimously in favor of the motion.

**CONFIRMATION OF MEETING DATES, TIMES, LOCATIONS AND PURPOSES**

Michael Marquess moved that the October meeting dates be revised as follows:

<u>October</u>		
29	Application Review Committee	7:30 a.m.
29	Testing and Education Committee	8:00 a.m.
29	Board	10:00 a.m.

James Heaslet seconded the motion. The Board voted unanimously in favor of the motion.

Due to time constraints, the Board tabled the following items appearing on the Agenda:

**5. COMPLAINT REVIEW:**

**G. INITIAL (FIRST) FILE REVIEW:**

2904 Christianne M. Simmons  
 2905 Matthew D. Wright  
 2906 Kyle D. Lindsey

**H. 12-MONTH FILE REVIEW:**

	<u>Reply Date</u>	<u>Status</u>
2565/ Paul R. Fortier	3/14/08	Certificate expired 8/31/09
2630/		
2631		
2586 Mark L. Andrews	4/18/09	Pending formal hearing
2613/ Marc J. Seigleman	6/3/08	Certificate expired 6/30/09
2629	6/12/08	
2673 Calvin E. Walls	7/23/09	Pending formal hearing
2674 Clinton E. Walls	7/1/09	Pending formal hearing
2681 Leonid Zavlunov	7/14/08	Pending consent

**6. REPORTS OF CHAIRPERSON, EXECUTIVE DIRECTOR AND COMMITTEES:**

**B. EXECUTIVE DIRECTOR REPORT:**

**NOTE:** Complaint statistics as of 8/31/09 for calendar years 2007, 2008, and 2009:

	<u>2007</u>	<u>2008</u>	<u>2009</u>	<u>2008</u>	<u>2009</u>
Complaints received by Board	243	225	163		
Complaints heard by Board*				852	471
<b><u>OF THOSE COMPLAINTS:</u></b>					
Complaints dismissed	91	69	35	77	47
Complaints referred to investigation	94	69	27	76	35
Complaints resolved with nondisciplinary letter of concern	16	18	4	16	8
Complaints resolved with nondisciplinary letter of remedial action	19	31	2	28	12
Complaints resolved with disciplinary letter of due diligence	13	15	13	13	21
Complaints resolved with probation	69	27	9	66	36
Complaints referred to informal hearing	83	45	9	55	43
Complaints referred to formal hearing	56	26	6	53	40
	<u>2007</u>	<u>2008</u>	<u>2009</u>	<u>2008</u>	<u>2009</u>
Complaints resolved with suspension	17	17	1	31	25
Complaints resolved with surrender	5	5	1	6	4
Complaints resolved with revocation	8	0	1	2	10
Complaints resolved with cease and desist letters	6	1	2	4	3
<b><u>Violation Levels:</u></b>					
I	21	21	5	20	9
II	31	43	14	40	31
III	71	22	9	55	30
IV	10	7	0	5	8

V

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**Additional Information:**

	<b><u>2006</u></b>	<b><u>2007</u></b>	<b><u>2008</u></b>	<b><u>2009</u></b>
Jurisdiction Expired & Complaints Closed	20	12	11	22
Denials of New Applications	7	7	5	1
Denials of Renewal Applications	4	1	0	1

\*Complaints may appear on a Board agenda and be heard in more than one month in a calendar year.

**8. NEW BUSINESS:**

- A. Discussion and possible action concerning correspondence from Leigh Gawthorp, Gawthorp & Associates, LLC

**ADJOURNMENT**

The meeting was adjourned.

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Debra J. Rudd, Chairperson

**RECOMMENDATIONS  
COMMITTEE ON APPLICATION REVIEW**

**To: Board of Appraisal**

**From: Application Review Committee**

**Date: September 17, 2009**

**Re: September 17, 2009 Recommendations**

**I. Report on number of Arizona Appraisers and Property Tax Agents:**

	<u>9/07</u>		<u>9/08</u>		<u>9/09</u>	
Licensed Residential	1136		939		712	
Certified Residential	1040		1186		1211	
Certified General	791		813		827	
Nonresident Temporary	31	Total 2998	38	Total 2976	45	Total 2795
Property Tax Agents	262		287		334	

**II. As a result of its **September 17, 2009** meeting the Application Review Committee makes the following recommendations:**

**A. To take no action:**

Regarding additional information received on September 1, 2009 from the Department of Public Safety, regarding David R. Butler, Nonresident Temporary Certificate #TP41157

**B. To approve the following applications as substantively complete:**

1. Renewal applications:

21257 Kenneth M. Jordan

2. Certified Residential by exam unless noted otherwise:

7708 Christina L. Scaturro  
7722 Brett S. Heaton  
7726 Benjamin J. Weisman  
7754 Dana C. McCready

3. Certified General by exam unless noted otherwise:

7729 Juan Restrepo

**C.** To approve the following applications as substantively complete and confirm the issuance of the following license/certification:

1. Reciprocity

22083 Jack Driscoll  
22087 Paul J. Worden  
31740 James Messina  
31741 Michael W. Porter  
31742 Richard W. Latella  
31743 John M. Cowart, Jr.  
31744 Deverick P. Jordan  
31745 William R. Lemas  
31746 G. Christopher Louis  
31747 Kimberly Kountz  
31748 Jeff A. Greenwald

2. Nonresident Temporary

TP41158 John M. Cowart  
TP41159 Carter D. Morrison  
TP41160 Eric B. Lewis  
TP41161 Alan M. Schmook

**D.** To disapprove the following applications as substantively incomplete and hold until substantively complete:

7734 Kevin K. Varga  
7753 Glenda R. Lawson  
7760 Racheal A. Siler  
7762 Janardan R. Nukalapati (by reciprocity)  
7767 Michael J. Heaton  
7769 Grant E. Coates (by reciprocity)  
7770 Mark N. Gibson (by reciprocity)  
7775 Cheryl J. Hatzopoulos

**III. Applications Pending - Substantively Incomplete:**

7587 Keith T. Kavula (by reciprocity)  
7745 Joseph M. Turner (by reciprocity)  
7747 Mark R. Long (by reciprocity)

Notification of applicants with substantively incomplete applications who have not responded to the Committee's request for additional information. Pursuant to R4-46-202(D) applicants have up to a year to meet all requirements for license/certificate or applicant's file is to be closed by the Board and applicant shall reapply.

## **RECOMMENDATIONS**

### ***COMMITTEE ON APPRAISAL TESTING AND EDUCATION***

**TO: Board of Appraisal**

**FROM: Committee on Appraisal Testing and Education**

**DATE: September 17, 2009**

**RE: September 17, 2009 Recommendations**

**As a result of its September 17, 2009 meeting the Committee on Appraisal Testing and Education makes the following recommendations:**

**I. Action regarding proposed approval of **qualifying education courses**:**

**A. Previously approved by the Board:**

**1. Submitted by Arizona School of Real Estate & Business**

**a. **AP-15 General Appraiser Report Writing and Case Studies**, #ABA 1008-825-15  
30 hours**

\*Eric Bohlander, Rick Boulter, Leo Canale, Tracey Captain, Earl Cass, Gasper Crimando, Neil Dauler-Phinney, Thomas Denny, Anthony Dinnell, Bill Dowdy, Richard Fasano, Jacques Fournier, Bill Gray, Thomas Heineman, Kathleen Holmes, Faye Humphrey, Robert Kaczmarek, Gretchen Koralewski, William Kozub, Mark Kramoltz, Don Miner, Roy Morris, Thomas Morrison, Tom Noble, Marlene Olsen, David Rider, Becky Ryan, Ron Schilling, Daniel D. Smith, Don Spongberg, Donald Staley, Janice Staropoli, Stan Strom, Diane Thomas, Rick Turkian, Gerard Vick, John Wenner, Jeff Young, David Ziegler

**Recommend approval**

**II. Action regarding proposed approval of **continuing education courses**:**

**A. Previously approved by the Board:**

1. Submitted by Arizona School of Real Estate & Business

- a. **C7431      FHA**  
**Minimum Property Standards and FNMA Appraisal Guidelines, #ABA 1205-492** 4 hours

\*Tracey Captain, Earl Cass, Gasper Crimando, Neil Dauler-Phinney, Richard Fasano, Jacques Fournier, Bill Gray, Kathleen Holmes, Robert Kaczmarek, Kim Kobriger, Gretchen Koralewski, Don Miner, Roy Morris, Thomas Morrison, Dave Rider, Ron Schilling, Julie Sims, Daniel D. Smith, Becky Ryan, Richard V. Turkian, Gerard Vick, David Ziegler

**Recommend approval**

- b. **Supervising Beginning Appraisers – A Plan for Success, #ABA 1107-711** 4 Hours

\*Tracey Captain, Earl Cass, Gasper Crimando, Neil Dauler-Phinney, Thomas Denny, Richard Fasano, Jacques Fournier, Bill Gray, Kathleen Holmes, Faye Humphrey, Robert Kaczmarek, Kim Kobriger, Gretchen Koralewski, Don Miner, Roy Morris, Thomas Morrison, Becky Ryan, Ron Schilling, Daniel D. Smith, Rick Turkian, Gerard Vick, David Ziegler

**Recommend approval**

2. Submitted by Hogan School of Real Estate

- a. **Using the Internet for Disclosure of Material Facts, #ABA 1003-303** 4 hours

\*Steven Cole

**Recommend approval**

3. Submitted by Just Valuation Inc.

- a. **Introduction to HUD REO Appraisals, Course #3211, #ABA D1008-826** 12 hours

\*Ron Nation, Robert McKenna

**Recommend approval**

4. Submitted by McKissock LP

- a. **Mortgage Fraud-Protect Yourself!, #ABA 0907-695** 7 hours

Tracy Martin, Kenneth Guilfoyle

**Recommend approval**

- b. **Land and Site Valuation, #ABA D1008-827** 7 hours

\*Alan Simmons

**Recommend approval**

**B. Not previously approved by the Board:**

1. Submitted by Allterra Group, LLC

- a. **2009 Keynote/Valuation Visionaries,** 7 hours

\*Pete Gillispie, Sue Potteigu, Mark Johnson, Bill Rayburn, Chuck Muroddu, George Opelka, Jacqueline Doty, Gerald Kifer

**Recommend approval**

- b. **2009 Regulatory Updates/Re-Engineering the Appraisal Process,** 7 hours

\*Jim Park, Larry Disney, Don Kelly, Lewis Allen, Kelly Davids, Rachel Dollar, Guillerino Gower, Rick Langdon, David Hundrieser  
**Recommend approval**

2. Submitted by Appraisal Institute/Phoenix Chapter
  - a. **Appraisal Policy Changes: Challenges and Opportunities for Appraisers,** 6 hours  
\*William E. Garber, Jr.  
**Recommend approval**
3. Submitted by Appraisal Institute/Southern Arizona Chapter
  - a. **The Canary in the Coal Mine: ENERGY STAR and the Appraisal Process,** 3 hours  
\*Dan Swango  
**Recommend approval**
  - b. **Regression Analysis in Appraisal Practice: Concepts & Applications,** 7 hours  
\*Jim L. Sanders  
**Recommend approval**
4. Submitted by Arizona Appraisers State Conference LLC
  - a. **I—Arizona Appraisers State Conference 10/19/09 P.M. Tracts A&B (Sage/Liability)** 4 hours  
\*Daphne J. Reaume, Todd F. Stevens, Lindsay McMenamin  
**To full Board (Debra Rudd, Michael Marquess and James Heaslet recused)**
  - b. **II—Arizona Appraisers State Conference 10/19/09 P.M. Tract C (Sage/Valuation)** 4 hours  
\*Daphne J. Reaume, William R. Hahn, Noelle Sanders, John C. Nelson, Mark Snow, Lance J. Mills, Kathleen M. Holmes  
**To full Board (Debra Rudd, Michael Marquess and James Heaslet recused)**
  - c. **III—Arizona Appraisers State Conference 10/20/09 A.M. Tract C (Future/Valuation)** 4 hours  
\*Jay Q. Butler, Michael S. Young, Ann Susko, Peter J. Martori, Gerard L. Vick  
**To full Board (Debra Rudd, Michael Marquess and James Heaslet recused)**
  - d. **IV—Arizona Appraisers State Conference 10/20/09 A.M./P.M. Tracts A&B (Future/Mortgage)** 4 hours  
\*Jay Q. Butler, Darcy A. Rich, Richard Hagar  
**To full Board (Debra Rudd, Michael Marquess and James Heaslet recused)**
  - e. **V—Arizona Appraisers State Conference 10/20/09 P.M. Tracts A,B&C (Mortgage)** 3 hours  
\*Darcy A. Rich, Richard Hagar  
**To full Board (Debra Rudd, Michael Marquess and James Heaslet recused)**
5. Submitted by McKissock LP
  - a. **How to Analyze & Value Income Properties,** 7 hours  
Distance Education  
\*Bruce Coin  
**Recommend approval**

6. Submitted by US Department of Housing and Urban Development/Federal Housing Administration
    - a. **FHA Basics for Appraisers**, 4 hours  
Distance Education  
\*Jan Marquardt, George Hibbert, Linda Middleton, Malcolm Jefferson  
**Recommend approval**
- III. Action regarding proposed rescission of approval of continuing education course:**
1. Submitted by Appraisal Institute
    - a. **Online Valuation of Detrimental Conditions in Real Estate**, #ABA D0705-459 Distance Education 7 hours (expires 3/31/10)  
**Recommend rescind approval**